

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-113

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
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Publisher

To establish, on an emergency basis, the District of Columbia Free Clinic Captive Insurance Company to provide medical malpractice liability coverage for nonprofit community health centers in the District of Columbia; to vest management for the Company in the Risk Officer; to establish an Advisory Council to assist and advise the Risk Officer; to provide for approval by the Commissioner of the Department of Insurance, Securities, and Banking; to require the submission of annual reports; to create requirements for the plan of operation for the Company; to establish the Free Clinic Captive Trust Fund, a nonlapsing fund, to serve as the funding mechanism for the Company; to exempt the Company from District of Columbia taxation and procurement laws; and to repeal the Free Clinic Assistance Program Act of 1986.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Free Clinic Captive Insurance Company Establishment Emergency Act of 2007".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Advisory Council" means the advisory council established by section 6.
- (2) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.
- (3) "Company" means the District of Columbia Free Clinic Captive Insurance Company.
- (4) "Free Clinic Captive Trust Fund" or "Fund" means the Free Clinic Captive Trust Fund established as a nonlapsing fund under section 12.
- (5) "Health center" means a health center or service that:
 - (A) Has obtained all licenses, permits, and certificates of occupancy or need that are required as a precondition to lawful operation in the District;

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(B) Is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3));
(C) Is certified by the Commissioner to meet the requirements of this act;
and

(D) Accepts and provides services to individuals regardless of ability to pay; provided, that a health center may accept payment from:

(i) Health insurance providers for services rendered, if a patient has such insurance coverage and consents in writing to the filing of a claim for benefits to which the patient is eligible; and

(ii) Patients on a sliding fee scale.

(6) "Operational" means that the Council has approved insurance policies for the health centers covered under the Free Clinic Assistance Program Act of 1986, effective September 23, 1986 (D.C. Law 6-155; D.C. Official Code § 1-307.21 *et seq.*).

(7) "Risk Officer" means the Chief Risk Officer, established by Reorganization Plan No. 1 of 2003, effective December 15, 2003.

(8) "Tail coverage" means liability insurance purchased by an insured to extend the insurance coverage beyond the end of the policy period of a liability policy written on a claims-made basis.

(9) "Volunteer service provider" means any person licensed to practice in the District who provides health-care, rehabilitative, social, or related administrative services:

(A) At a health center;

(B) To or with respect to a patient of the health center; and

(C) Without receiving payment from the District government for the performance of those services.

Sec. 3. Establishment of the District of Columbia Free Clinic Captive Insurance Company.

(a) The District of Columbia Free Clinic Captive Insurance Company is established as an independent instrumentality of the District, created to effectuate the purposes provided for in this act, but with a legal existence separate from that of the District government. The liability of the Company shall be limited to the funds in the Free Clinic Captive Trust Fund.

(b) The purpose of the Company is to provide medical malpractice liability coverage for health centers, including coverage for volunteer service providers for the services provided at the health centers.

(c) The fiscal year of the Company shall be the fiscal year of the District.

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Sec. 4. General powers of the Company.

(a) The Company shall have the authority to:

(1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this act, including the authority to enter into contracts with similar captives of other states for the joint performance of common administrative functions, or with persons or other entities for the performance of organizational, management, or administrative functions;

(2) Sue or be sued in its own name, including taking any legal actions necessary or proper to recover or collect premiums due the Company;

(3) Take such legal action as necessary:

(A) To avoid the payment of improper claims against the Company or the coverage provided by or through the Company;

(B) To recover any amounts erroneously or improperly paid by the Company;

(C) To recover any amounts paid by the Company as a result of mistake of fact or law; or

(D) To recover other amounts due the Company;

(4)(A) Establish and modify rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas, and any other actuarial function appropriate to the operation of the Company.

(B) Rates and rate schedules may be adjusted for appropriate factors and shall take into consideration appropriate factors in accordance with established actuarial and underwriting practices;

(5) Issue policies of medical malpractice insurance, including tail coverage, in accordance with the requirements of the plan of operation under section 8;

(6) Appoint appropriate legal, actuarial, audit, and other committees as necessary to provide technical assistance in the operation of the Company, policy and other contract design, and any other function within the authority of the Company;

(7) Employ and fix the compensation of employees;

(8) Prepare and distribute certificate of eligibility forms and enrollment instruction forms to health centers;

(9) Provide for reinsurance of risks incurred by the Company;

(10) Provide for, and employ, cost containment measures and risk management program standards;

(11) Establish and operate its own procurement system and contracting policies and procedures;

(12) Seek and receive grant funding from the United States government, District departments or agencies, and private foundations;

(13) Adopt policies, procedures, rules, and standards as may be necessary or convenient for the operation of the Company consistent with this act;

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- (14) Adopt and administer personnel policies and procedures;
 - (15) Employ its own general counsel and special counsel from time to time as needed;
 - (16) Adopt and administer its own procurement and contracting policies and procedures; and
 - (17) Select, retain, and employ professionals, contractors, or agents which are necessary or convenient to enable or assist the Company in carrying out the purposes of the Company.
- (b) In any legal action, the Company shall be represented by its general counsel and other attorneys, as necessary, and, notwithstanding any other provision of law, shall not be subject to oversight by the Office of the Attorney General.
- (c)(1) Upon the request of the Company, the Mayor and the governing officer or body of each instrumentality of the District, by delegation or agreement, may direct that personnel or other resources of a District agency or instrumentality be made available to the Company on a full cost-reimbursable basis to carry out the Company's duties.
- (2) Personnel detailed to the Company under this subsection shall not be considered employees of the Company, but shall remain employees of the agency or instrumentality from which the employees were detailed.
- (3) With the consent of an executive agency, department, or independent agency of the federal government or the District government, the Company may use the information, services, staff, and facilities of the department or agency on a full cost-reimbursable basis.

Sec. 5. Management of the Company.

- (a) The management of the Company shall be vested in, and the Company shall be administered by, the Risk Officer.
- (b) The Risk Officer shall employ a captive manager who shall run the day-to-day affairs of the Company and shall report to the Risk Officer. The Risk Officer shall employ such other professionals as are necessary or appropriate to effectuate the purposes of the Company.
- (c) The Risk Officer may delegate the authority to perform any function authorized to be performed by the Risk Officer under this act.
- (d) The Risk Officer may hire Company staff, including a general counsel.

Sec. 6. Advisory Council to the Company.

- (a) There is established an Advisory Council to the Company to assist and advise the Risk Officer regarding the Company.
- (b) The Advisory Council shall consist of the following members:
- (1) Three persons appointed by the Mayor;
 - (2) Six persons appointed by the Risk Officer, of whom:
 - (A) One person shall represent the District of Columbia Primary Care Association;

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(B) Two persons shall represent District of Columbia health centers; and

(C) Three persons shall have insurance expertise.

(3) The Risk Officer and the captive manager shall serve as *ex officio* members of the Advisory Council.

(c) The Risk Officer shall serve as chairperson of the Advisory Council.

(d) The Risk Officer shall determine the terms the initial Advisory Council members shall serve. Three of the Advisory Council members shall serve a term of 2 years; 3 of the Advisory Council members shall serve a term of 4 years; and 2 of the Advisory Council members shall serve a term of 6 years; provided, that the representative from the District of Columbia Primary Care Association shall always serve as a member of the Advisory Council.

(e) Subsequent Advisory Council members shall serve a term of 3 years. An Advisory Council member's term shall continue until his or her successor is appointed. The Advisory Council members may be reappointed for additional terms.

(f) Vacancies in the Advisory Council shall be filled by the Risk Officer. Advisory Council members may be removed by the Risk Officer for cause.

(g) Advisory Council members shall not be compensated in their capacity as Advisory Council members, but shall be reimbursed for reasonable expenses incurred in the necessary performance of their duties.

(h) The Advisory Council shall:

(1) Advise the Risk Officer in the general oversight of the Company;

(2) Assess the needs and interests of the health centers; and

(3) Meet at least on an annual basis, at meetings announced by the Risk Officer.

Sec. 7. Approval of plan of operation by Commissioner; annual report to Commissioner; financial examination.

(a) Prior to the offering and issuance of insurance policies, the Company shall submit to the Commissioner for approval a plan of operation which meets the requirements of section 8. The Company shall also submit for approval any proposed material changes to the plan.

(b)(1) On or before March 2 of each year, the Company shall submit to the Commissioner, on a form prescribed by the Commissioner by rule, a report of its financial condition, as prepared by a certified public accountant. The Company shall file a consolidated report on behalf of each of its segregated accounts.

(2) The Company shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, as supplemented by additional information required by the Commissioner.

(c)(1) The Commissioner, or his designee, may visit the Company at such times as he or she considers necessary to thoroughly inspect and examine the affairs of the Company to ascertain:

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(A) The financial condition of the Company;
(B) The ability of the Company to fulfill its obligations; and
(C) Whether the Company has complied with the provisions of this act and the rules adopted pursuant thereto.

(2) The Commissioner may require the Company to retain qualified independent legal, financial, and examination services from outside the Department of Insurance, Securities, and Banking to conduct the examination and make recommendations to the Commissioner. The cost of the examination shall be paid by the Company.

Sec. 8. Plan of operation for the Company.

(a) The captive manager shall submit to the Risk Officer a plan of operation for the Company that has been approved by the Commissioner and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the Company.

(b) The plan of operation shall:

(1) Become effective upon approval in writing by the Commissioner and the Risk Officer;

(2) Establish procedures for the operation of the Company;

(3) Establish procedures for health centers to qualify to purchase medical malpractice insurance from the Company;

(4) Establish procedures, under the management of the Risk Officer, for the payment of administrative expenses;

(5) Establish procedures for adjustment and payment of claims made under the policies issued by the Company, including procedures for administrative review and resolution of disputes arising over such claims;

(6) Establish procedures for tail coverage to health centers purchasing medical malpractice liability coverage through the Company;

(7) Develop standards for the level of subsidies to be provided to health centers to offset premiums due to the Company;

(8) Establish rules, conditions, and procedures for facilitating the reinsurance of risks of participating health centers;

(9) Establish risk management standards to which the health centers shall adhere, and auditing procedures for the compliance of risk management standards by health centers;

(10) Establish underwriting guidelines for policyholders; and

(11) Provide for other matters as may be necessary and proper for the execution of the Risk Officer's and the captive manager's respective powers, duties, and obligations under this act.

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Sec. 9. Annual report to the Mayor and Council.

- (a) The Risk Officer shall make an annual report to the Mayor and the Council.
- (b) The report shall be filed within 60 days of the Company filing the annual report with the Commissioner under section 7(b).
- (c) The report shall summarize the activities of the Company in the preceding calendar year, including the net earned premiums, health center enrollment in the Company program, the expense of administration, and the paid and incurred losses.

Sec. 10. Liabilities of Risk Officer, captive manager, and Advisory Council.

- (a) The Risk Officer, captive manager, and Advisory Council members shall not be liable for any obligations of the Company.
- (b) The Risk Officer, captive manager, and Advisory Council members shall not be liable, or shall any cause of action of any nature arise against them, for any act or omission related to the performance of their powers and duties under this act, unless the act or omission constitutes willful or wanton misconduct.

Sec. 11. Coverage.

The Company shall offer health centers medical malpractice insurance consistent with coverage offered in the market. The coverage to be issued to the health centers shall be established by the Risk Officer with the advice of the Advisory Council and subject to the approval of the Commissioner.

Sec. 12. Establishment of the Free Clinic Captive Trust Fund.

(a) There is established as a nonlapsing fund the Free Clinic Captive Trust Fund, which shall be used as set forth in subsection (b) of this section. All funds deposited in the Fund, and any interest earned thereon, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(b) The Fund shall be used solely to pay for the costs and expenses of the establishment, operation, and administration of the Company, which costs and expenses shall include:

- (1) The hiring of a captive manager and other professionals to manage and administer the day-to-day operations of the Company;
 - (2) The hiring of staff, including a general counsel;
 - (3) The administration of the day-to-day operations of the Company;
 - (4) The payment of claims and losses under policies of insurance to be issued by the Company; and
 - (5) The costs of the management, administration, and operation of the Fund.
- (c) There shall be deposited into the Fund:

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(1) All insurance premiums or other revenues which may be received by the Fund; and

(2) An amount equal to the unobligated balance of amounts appropriated and allocated by section 2055(18) of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899).

(d) The funds in the Fund may be invested in private securities and any other form of investment which is considered appropriate by the Commissioner and the Chief Financial Officer. The Company shall file each with the Commissioner and the Chief Financial Officer a schedule of the proposed investments of the funds and any material changes thereto.

Sec. 13. Exemption from District of Columbia taxation.

The Company shall be exempt from all District of Columbia taxes.

Sec. 14. Exemption from District of Columbia procurement laws.

The Company shall not be subject to the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*).

Sec. 15. Rules.

The Risk Officer, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.

Sec. 16. Implementation.

The Commissioner shall collaborate with the Risk Officer and the Advisory Council to implement this act.

Sec. 17. Repeal of the Free Clinic Assistance Program Act.

The Free Clinic Assistance Program Act of 1986, effective September 23, 1986 (D.C. Law 6-155; D.C. Official Code § 1-307.21 *et seq.*), is repealed as of the date when the Company becomes operational.

Sec. 18. Fiscal impact statement.

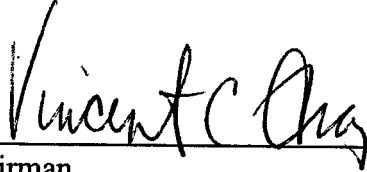
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 19. Effective date.

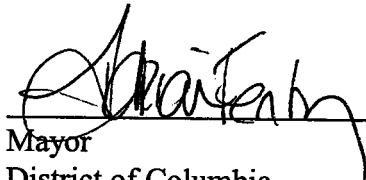
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

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90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2007

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AN ACT

D.C. ACT 17-114

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2007

To amend, on an emergency basis, due to Congressional review, the Unfoldment, Inc. Equitable Real Property Tax Relief Act of 2006 to clarify the intent of the Council in providing equitable real property tax relief to Unfoldment, Inc.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unfoldment, Inc., Equitable Real Property Tax Relief Clarification Congressional Review Emergency Amendment Act of 2007".

Sec. 2. Section 1082 of the Unfoldment, Inc. Equitable Real Property Tax Relief Act of 2006, effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899), is amended to read as follows:

"Sec. 1082. (a) As of August 8, 2006, real property taxes, interest, penalties, fees (including legal fees), and other related charges assessed against the real property located at 546 Newcomb Street, S.E., lot 804, square 5984, and the real property located at 3825 South Capitol Street, S.W., lot 826, square 6129, for the period of January 1, 2002, through June 30, 2006, shall be forgiven and any payments made for such period shall be refunded, and the amount necessary to redeem the real property located at 546 Newcomb Street, S.E., lot 804, square 5984, shall be deposited with the Chief Financial Officer on behalf of Unfoldment, Inc.

"(b) The Office of the Chief Financial Officer shall cancel the July 1, 2003, tax sale of the property located at 546 Newcomb Street, S.E., lot 804, square 5984."

Sec. 3. Applicability date.

This act shall apply as of September 19, 2007.

Sec. 4. Fiscal impact statement.

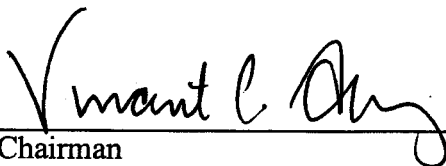
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

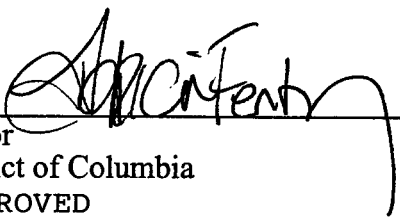
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-115

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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To amend the Check Cashers Act of 1998 and Title 28 of the District of Columbia Official Code to restrict certain lending practices conducted by payday loan businesses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Payday Loan Consumer Protection Amendment Act of 2007".

Sec. 2. The Check Cashers Act of 1998, effective May 12, 1998 (D.C. Law 12-111; D.C. Official Code § 26-301 *et seq.*), is amended as follows:

- (a) Section 2(3) (D.C. Official Code § 26-301(3)) is repealed.
- (b) Section 18(a) (D.C. Official Code § 26-317(a)) is amended by striking the sentence "An additional verification, handling, and documentation processing fee may be charged, pursuant to section 20, for a personal check held for deferred deposit."
- (c) Section 20(c) (D.C. Official Code § 26-319(c)) is repealed.

Amend
§ 26-301

Amend
§ 26-317

Amend
§ 26-319

Sec. 3. Title 28 of the District of Columbia Official Code is amended as follows:

- (a) Section 28-3301 is amended as follows:
 - (1) Subsection (d)(1) is amended by striking the phrase "an amount in excess of \$1,000" and inserting the phrase "an amount in excess of \$2,500" in its place.
 - (2) New subsections (h) and (i) are added to read as follows:
 - "(h) Except as otherwise provided in this section, the provisions of this chapter shall apply to consumer credit transactions, including modifications (including refinancing, consolidations, and deferrals), occurring in the District of Columbia. For the purposes of this chapter, a consumer credit transaction occurs in the District of Columbia if:
 - "(1) A written agreement evidencing the obligation or offer of the consumer is received by the creditor in the District of Columbia; or
 - "(2) A consumer who is a resident of the District of Columbia enters into the transaction with a creditor who has solicited or advertised in the District of Columbia by any means, including mail, brochure, telephone, print, radio, television, internet, or any other electronic means.
 - "(i) For the purposes of this chapter, the term "consumer" shall have the same meaning as in § 28-3901(a)(2)."
- (b) Section 28-3904 is amended as follows:
 - (1) Subsection (cc) is amended by striking the phrase "; or" and inserting a semicolon in its place.
 - (2) Subsection (dd) is amended by striking the period and inserting a semicolon in its place.

Amend
§ 28-3301

Amend
§ 28-3904

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(3) Subsection (ee) is amended by striking the period and inserting the phrase “; or” in its place.

(4) A new subsection (ff) is added to read as follows:
“(ff) violate any provision of Chapter 33 of this title.”.

Sec. 4. This act shall take effect following the certification by the Chief Financial Officer, through a revised quarterly revenue estimate for fiscal year 2008, that local funds exceed the annual revenue estimates incorporated in the fiscal year 2008 budget and financial plan in an amount sufficient to account for its fiscal effect. The Chief Financial Officer shall set aside revenue to account for the cost of fully implementing this act.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED

October 3, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-116

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2007

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To amend, on a temporary basis, the District of Columbia Campaign Finance Reform and Conflict of Interest Act to exempt Gregory A. O'Dell, the designee for chief executive officer of the District of Columbia Sports and Entertainment Commission, from the conflict of interest provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Conflict of Interest Temporary Amendment Act 2007".

Sec. 2. Section 601(h-1) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 465; D.C. Official Code § 1-1106.01(h-1)), is amended by adding a new paragraph (3) to read as follows:

Note,
§ 1-1106.01

"(3) Gregory A. O'Dell, the designee for chief executive officer of the District of Columbia Sports and Entertainment Commission, shall be exempt from the provisions of this subsection."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

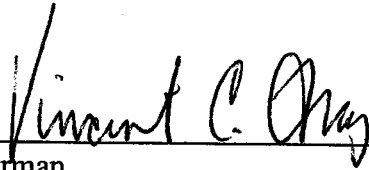
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

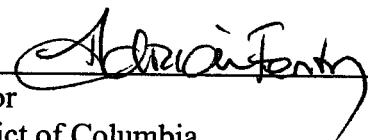
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
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AN ACT

D.C. ACT 17-117

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on a temporary basis, the Workforce Housing Production Program Approval Act of 2006 to grant authority to the Mayor to transfer funds to the workforce housing pilot program from the Housing Production Trust Fund and the Industrial Revenue Bond special account; and to amend the Housing Production Trust Fund Act of 1988 to authorize the expenditure of \$4 million in accordance with the Workforce Housing Production Program Approval Act of 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Workforce Housing Production Program Temporary Amendment Act of 2007".

Sec. 2. The Workforce Housing Production Program Approval Act of 2006, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1061.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 6-1061.02) is amended as follows:

Note,
§ 6-1061.02

(1) Subsection (g) is amended to read as follows:

"(g) The Mayor, pursuant to title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title."

(2) Subsection (h) is amended by striking the sentence "Within one year after the effective date of this title, the Mayor shall submit a report to the Council on the status of the workforce housing pilot program." and inserting the sentence "Within 60 days after the close of each fiscal year, as such fiscal year is established by the land trust, the land trust shall submit a report to the Mayor and the Council on the status of the workforce housing pilot program and the use of funds from the Housing Production Trust Fund, established pursuant to section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802) ("Trust Fund")." in its place.

(b) A new section 104 is added to read as follows:

Note,
§ 6-1061.03

"Sec. 104. Authority to transfer funds to the workforce housing pilot program from the Housing Production Trust Fund and the Industrial Revenue Bond special account."

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"(a) The Mayor may transfer \$4 million from the Trust Fund to such accounts or sub-accounts as may be established pursuant to the trust instrument to be entered into pursuant to section 102(e).

"(b)(1) The Mayor may transfer \$1 million from the Industrial Revenue Bond special account established under D.C. Official Code § 47-131(c)(4) to such accounts or sub-accounts as may be established pursuant to the trust instrument to be entered into pursuant to section 102(e).

"(2) The funds transferred pursuant to this subsection may be used to assist households whose annual incomes do not exceed 120% of the area median income; provided, that the annual incomes of the households assisted through an allocation or proceeds from the Trust Fund shall not exceed 80% of the area median income.

"(3) For the purposes of this subsection, the term "area median income" shall have the same meaning as provided in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)).".

Sec. 3. Section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), is amended by adding a new subsection (b-3) to read as follows:

Note,
§ 42-2802

"(b-3) Notwithstanding any other provision of this act or any other law, \$4 million of the funds deposited into the Fund may be made available by the Mayor to the nonprofit community land trust formed pursuant to section 102(a) of the Workforce Housing Production Program Approval Act, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1061.02(a)) ("Production Act"). The use of the funds shall be governed exclusively by the provisions of the District of Columbia Workforce Housing Land Trust Design and Implementation Plan as amended and approved pursuant to the Production Act."

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

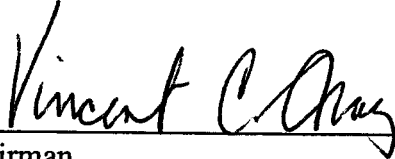
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

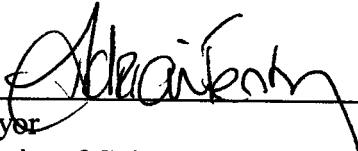
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayer

District of Columbia
APPROVED

October 3, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-118

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2007

To approve, on a temporary basis, the disposition of the Skyland Shopping Center pursuant to a negotiated sale in conformity with an exclusive rights agreement between RLA Revitalization Corporation and Skyland Holdings, LLC.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disposition of the Skyland Shopping Center Site Temporary Approval Act of 2007".

Sec. 2. Notwithstanding sections 8(b)(2) and 30a(b)(3) of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code §§ 2-1219.07(b)(2) and 2-1219.31(b)(3)), the Council approves the disposition of the Skyland Shopping Center site by the RLA Revitalization Corporation pursuant to a negotiated sale in conformity with an exclusive rights agreement ("ERA") entered into between the RLA Revitalization Corporation and Skyland Holdings, LLC, on July 2, 2007, subject to Council approval of the land disposition agreement pursuant to section 3, and contingent upon provisions being added to the ERA requiring:

(1) That priority shall be given to residents of Wards 7 and 8 for 20% of the housing created on the redeveloped Skyland Shopping Center site; and

(2) That priority shall be given to Ward 7 and 8 businesses for 20% of the contracts and procurements for the redevelopment of the Skyland Shopping Center site.

Sec. 3. Council approval of land disposition agreement.

The Mayor shall submit to the Council a proposed resolution to approve the land disposition agreement negotiated based on the terms set forth in section 2 ("LDA Resolution"), along with a copy of the land disposition agreement, for a 45-day review period. If the Council does not approve or disapprove the LDA Resolution within the 45-day review period, the LDA Resolution shall be deemed approved.

ENROLLED ORIGINAL

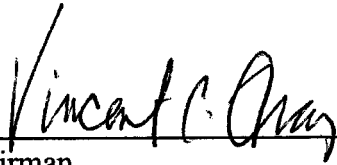
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

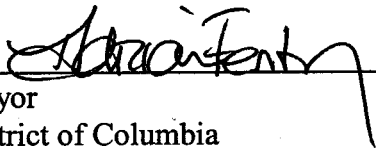
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
Approved
October 3, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-119IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 3, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.West Group
Publisher

To amend, on a temporary basis, section 25-101 of the District of Columbia Official Code to suspend, for an additional 6 months, the enforcement of the annual gross food sales requirements for restaurants and hotels that sell alcoholic beverages under a C/R, D/R, C/H, or D/H license.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Restaurant and Hotel Audit Sufficiency Temporary Act of 2007".

Sec. 2. Section 25-101(43)(C) of the District of Columbia Official Code is amended by striking the phrase "2 years" and inserting the phrase "2 years and 6 months" in its place.

Note,
§ 25-101

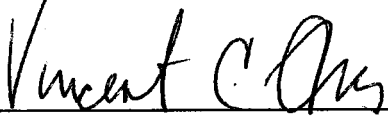
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

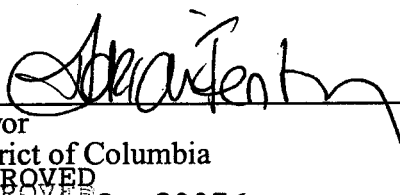
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
OCTOBER 3, 2007
Codification District of Columbia Official Code, 2001 Edition

West Group Publisher, 1-800-328-9378.

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-120

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2007

To approve, on a temporary basis, the disposition by the RLA Revitalization Corporation of real property legally described as Lot 854 in Square 441 to Broadcast Center Partners, LLC.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disposition of Lot 854 in Square 441 Temporary Approval Act of 2007".

Sec. 2. Notwithstanding sections 8(b)(2) and 30a(b)(3) of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code §§ 2-1219.07(b)(2) and 2-1219.31(b)(3)), the Council approves the disposition by the RLA Revitalization Corporation to Broadcast Center Partners, LLC, of the real property legally described as Lot 854 in Square 441 ("Property") pursuant to a negotiated land disposition agreement to be entered into by the RLA Revitalization Corporation and Broadcast Center Partners, LLC, consistent with the Term Sheet for Residential Development and Commercial Development on Parcel 33 transmitted to the Council on July 3, 2007 ("Term Sheet"); provided, that the final land disposition agreement shall be submitted to the Council for review and approval pursuant to section 3.

Sec. 3. Council approval of land disposition agreement.

The Mayor shall submit to the Council a proposed resolution to approve the land disposition agreement negotiated based on the terms set forth in section 2 ("LDA Resolution"), along with a copy of the land disposition agreement, for a period of review beginning August 20, 2007 and ending September 20, 2007. If the Council does not approve or disapprove the LDA Resolution within the period of review, the LDA Resolution shall be deemed disapproved.

Sec. 4. Fiscal impact statement.

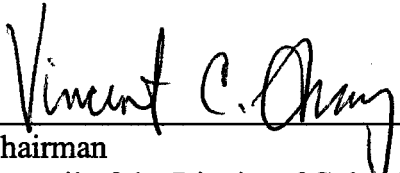
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

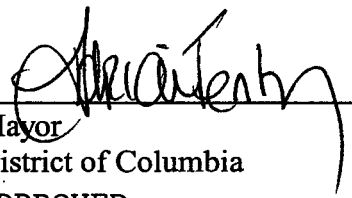
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-121

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.West Group
Publisher

To amend, on a temporary basis, the Omnibus Sports Consolidation Act of 1994 to allow the Mayor to designate a District of Columbia government official to serve as an ex-officio member of the District of Columbia Sports and Entertainment Commission Board of Directors.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Sports Consolidation Temporary Amendment Act of 2007".

Sec. 2. Section 5(a) of the Omnibus Sports Consolidation Act of 1994, effective August 23, 1994 (D.C. Law 10-152; D.C. Official Code § 3-1404(a)), is amended as follows:

Note,
§ 3-1404

- (a) Strike the number "11" and insert the number "13" in its place.
- (b) Strike the number "8" and insert the number "9" in its place.
- (c) Strike the phrase "with similar responsibilities," and insert the phrase "with similar responsibilities, and a District government official designated by the Mayor," in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

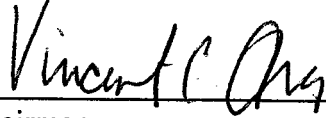
Sec. 4. Effective date.

- (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

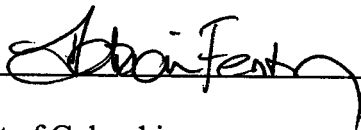
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-122

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.West Group
Publisher

To prohibit, on a temporary basis, commercial tour buses, except tour buses used for government purposes, within the Capitol Hill Historic District, except on identified arterial roads.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Capitol Hill Historic District Protection Temporary Act of 2007".

Sec. 2. Within 7 days of August 2, 2007, the Mayor shall issue regulations that prohibit commercial tour buses, except tour buses used for government purposes, in the Capitol Hill Historic District, with the exception of the following roads:

Note,
§ 50-921.04

- (1) Pennsylvania Avenue, S.E., between 2nd Street, S.E., and 13th Street, S.E.;
- (2) Maryland Avenue, N.E., between 2nd Street, N. E., and 11th Street, N.E.;
- (3) Massachusetts Avenue, N.E., between 2nd Street, N.E., and East Capitol Street;
- (4) Massachusetts Avenue, S.E., between East Capitol Street and 14th Street, S.E.; and
- (5) Independence Avenue, S.E., between 2nd Street, S.E., and 14th Street, S.E.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

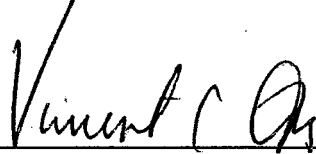
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

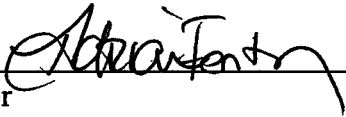
ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2007

ENGROSSED ORIGINAL

AN ACT
D.C. ACT 17-123IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 3, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.West Group
Publisher

To amend, on a temporary basis, the Free Clinic Assistance Program Act of 1986 to extend the life of the free clinic assistance program until the earlier of October 1, 2008, or the date that a captive insurance company, to be formed at the direction of the Department of Insurance, Securities, and Banking, certifies to the Mayor and the Council that it will offer medical liability insurance to free clinics.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Free Clinic Assistance Program Extension Temporary Amendment Act of 2007".

Sec. 2. Section 7(b) of the Free Clinic Assistance Program Act of 1986, effective September 23, 1986 (D.C. Law 6-155; D.C. Official Code § 1-307.26), is amended by striking the phrase "October 1, 2007" and inserting the phrase "the earlier of October 1, 2008, or the date that a captive insurance company, to be formed at the direction of the Department of Insurance, Securities, and Banking, certifies to the Mayor and the Council that it will offer medical liability insurance to free clinics" in its place.

Note,
§ 1-307.26

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

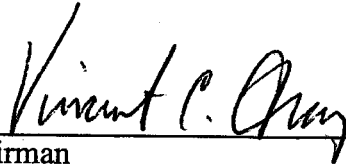
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

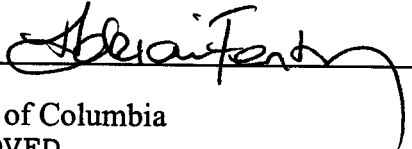
ENGROSSED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-124

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.West Group
Publisher

To provide, on a temporary basis, for the appointment of a receiver to operate a hospital, to provide the grounds for such an appointment, to establish the process regarding the appointment of a receiver, to establish the powers and duties of a receiver, to provide for the use of hospital revenues during a receivership, to provide for the termination of a receivership, to establish that a court order shall have the effect of a license for the duration of a receivership, and to establish the liability of a receiver and of the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Establishment of a Hospital Receivership Temporary Act of 2007".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Emergency" means a situation, physical condition, or one or more practices, methods, or operations that presents imminent danger of death or serious physical or mental harm to a patient, including imminent or actual abandonment of an occupied hospital.

(2) "Habitual violation" means a violation of the standards of health, safety, or patient care established under District or federal law that, due to its repetition, presents a reasonable likelihood of serious physical or mental harm to patients.

(3) "Hospital" means a facility that provides 24-hour inpatient care, including diagnostic, therapeutic, and other health-related care for a variety of physical or mental conditions and may provide outpatient services, such as emergency care.

(4) "Licensee" means a person or other legal entity, other than a receiver appointed pursuant to section 3, that is licensed or required to be licensed to operate a hospital.

(5) "Owner" means the holder of the title to the real estate on which the hospital is maintained.

(6) "Patient" means a person living in or receiving care from a hospital.

(7) "Substantial violation" means a violation of the standards of health, safety, or patient care established under District or federal law that presents a reasonable likelihood of serious physical or mental harm to patients.

ENROLLED ORIGINAL

Sec. 3. Appointment of a receiver; grounds; process.

(a) The Mayor may bring an action in the Superior Court of the District of Columbia requesting the appointment of a receiver to operate a hospital.

(b) The following circumstances are grounds for the appointment of a receiver:

(1) A hospital intends to close, but has not arranged for the orderly transfer of patients at least 30 days prior to its closure date;

(2) An emergency, as defined in section 2(1), exists at the hospital; or

(3) A habitual or substantial violation, as defined in section 2(2) and (7), respectively, exists at the hospital.

(c)(1) The court shall hold a hearing no later than 10 days after an action requesting the appointment of a receiver is filed, unless all parties agree to a later date.

(2) Notice of the hearing shall be served on both the owner and the licensee not less than 5 days before the hearing. If either the owner or the licensee cannot be served, the court shall specify the alternative notice to be provided.

(3) The Mayor shall post notice of the hearing, using a court-approved form, in a conspicuous place in the hospital, for not less than 3 days before the hearing.

(4) After the hearing, the court may appoint a receiver if it finds that any one of the grounds for an appointment set forth in subsection (b) of this section has been satisfied.

(d)(1) The court may:

(A) Appoint any person considered appropriate as receiver, except a District employee; and

(B) Remove a receiver for good cause.

(2) The court shall set a reasonable compensation for the receiver, which shall be paid from the revenue of the hospital.

(3) A receiver shall not be considered an agent of the District of Columbia.

Sec. 4. Powers and duties of a receiver.

(a) A receiver appointed pursuant to this act shall have such powers as the court may direct to:

(1) Operate the hospital;

(2) Remedy the conditions that constituted the grounds for the receivership;

(3) Protect the health, safety, and welfare of the patients; and

(4) Preserve the assets and property of the patients, owner, and licensee.

(b) With approval of the court, a receiver shall have the authority to:

(1) Remedy violations of District or federal laws governing the operation of the hospital;

(2) Hire, direct, manage, and discharge any employee, including the administrator of the hospital;

ENROLLED ORIGINAL

(3) Receive and expend in a reasonable and prudent manner the revenues of the hospital received by the hospital during the 30-day period preceding the date of his or her appointment and any revenue due thereafter;

(4) Continue the operation of the hospital;

(5) Continue the care of the patients;

(6) Correct and eliminate any deficiency of the hospital that endangers the safety or health of the patients; and

(7) Exercise such additional powers and perform such additional duties, including regular accountings, as the court considers appropriate.

(c)(1) The receiver shall:

(A) Apply the revenues of the hospital to current operating expenses and, subject to subparagraphs (B) and (C) of this paragraph, to debts incurred by the licensee prior to the appointment of the receiver;

(B) Ask the court for direction in the treatment of debts incurred prior to his or her appointment where such debts appear extraordinary, of questionable validity, or unrelated to the normal and expected maintenance and operation of the hospital, or where payment of a debt will interfere with the purposes of the receivership; and

(C) Give priority to expenditures needed for current, direct patient care.

(2)(A) If a receiver does not have sufficient funds to cover expenditures needed to prevent or remove jeopardy to the patients, the receiver may petition the court for permission to borrow non-District funds for this purpose. Notice of the receiver's petition to the court for permission to borrow must be given to the owner, the licensee, and the Mayor.

(B) The court, after a hearing, may authorize the receiver to borrow money upon specified terms of repayment and pledge security, if necessary, if the court determines:

(i) That the hospital should not be closed and that the loan is reasonably necessary to prevent or remove jeopardy; or

(ii) That the hospital should be closed and that the loan is necessary to prevent or remove jeopardy to patients for the limited period of time they are awaiting transfer to another hospital or other facility.

(d) A receiver may not close a hospital without leave of the court. In ruling on the issue of closure, the court shall consider:

(1) The rights and best interests of the patients;

(2) The availability of suitable alternative placements;

(3) The rights, interests, and obligations of the owner and licensee;

(4) The licensure status of the hospital; and

(5) Any other factors the court considers relevant.

(e) The owner and the licensee shall be divested of possession and control of the hospital during the period of receivership, under the conditions the court specifies.

ENROLLED ORIGINAL

Sec. 5. Court order to have effect of a license.

An order appointing a receiver pursuant to section 3 shall have the effect of a license of operation for the duration of the receivership. The receiver shall be responsible to the court for the conduct of the hospital during the receivership, and a violation of regulations governing the conduct of the hospital, if not promptly corrected, shall be reported to the court.

Sec. 6. Court review and termination of a receivership.

(a) The court shall review the continued necessity of a receivership at least semiannually. (b)(1) The court shall terminate a receivership when it certifies that the conditions that prompted the receivership have been corrected or, in the case of a discontinuance of operation, when the patients are safely relocated.

(2) The court shall not terminate a receivership in favor of the former licensee or of a new licensee, unless the person, or entity, assumes all obligations incurred by the receiver and provides collateral or other assurances of payment considered sufficient by the court.

Sec. 7. Liability of receiver.

No person may bring suit against a receiver appointed pursuant to section 3 without first securing leave of the court. Except in cases of gross negligence or intentional wrongdoing, a receiver shall be liable only for actions taken in his or her official capacity, and any adverse judgment shall be satisfied out of receivership assets.

Sec. 8. Liability of District of Columbia.

The District of Columbia shall not be liable for repayment of funds borrowed by a receiver during the course of the receivership or responsible for any financial obligations of the hospital.

Sec. 9. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

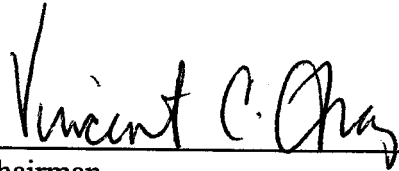
Sec. 10. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

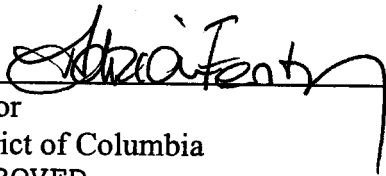
ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-125

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2007

To permit, on a temporary basis, a student with a medication action plan to possess and self-administer asthma or anaphylaxis medications while at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation, to require schools to maintain student medical records in an easily accessible location, to prohibit the misuse of self-administered medications, to allow schools to store additional medication for self-administering students, and to authorize the Mayor to promulgate rules to implement the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Student Access to Treatment Temporary Act of 2007".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Medication action plan" means a written medical treatment plan for an individual student with prescription medication that is developed and submitted to a school in accordance with section 4.

(2) "Responsible person" means, in the case of a student under 18 years of age, a parent, legal guardian, legal custodian, foster parent, or other adult charged with the ongoing care and supervision of the student, and in the case of a student 18 years of age or older, the student himself or herself.

(3) "School" means:

(A) Any public school operated under the authority of the Mayor of the District of Columbia; and

(B) Any charter school, parochial school, or private school in the District.

Sec. 3. Possession and self-administration of medication.

A student may possess and self-administer medication at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored

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transportation, to treat asthma, anaphylaxis, or other potentially life-threatening illness; provided, that:

- (1) The responsible person has submitted a valid medication action plan to the school; and
- (2) All other conditions set forth in this act, or in rules promulgated pursuant to this act, are met.

Sec. 4. Medication action plan.

(a) No student shall possess or self-administer medication at the school in which the student is currently enrolled, at school-sponsored activities, or while on school-sponsored transportation, unless the school has a valid medication action plan for that student.

(b) A valid medication action plan shall include:

(1) Written medical authorization, signed by the student's health practitioner, that states:

- (A) The name of the student;
- (B) Emergency contact information for the responsible person;
- (C) Contact information for the health practitioner;
- (D) The name, purpose, and prescribed dosage of the medication;
- (E) The frequency that the medication is to be administered;
- (F) The possible side effects of the medication;
- (G) Special instructions or emergency procedures; and
- (H) In the case of self-administered medication, confirmation that the

student has been instructed in the proper technique for self-administration of the medication and has demonstrated the ability to self-administer the medication effectively;

(2) Written authorization, signed by the responsible person, that states:

(A) A trained school employee may administer medication to the student in accordance with rules established by the Mayor; or

(B) In the case of self-administration, the student may possess and self-administer the medication at the school in which the student is currently enrolled, at school-sponsored activities, and while on school-sponsored transportation; and

(3) Written acknowledgment that the school and its employees shall incur no liability and that the responsible person shall indemnify and hold harmless the school and its employees against any claims that may arise relating to the administration, general supervision, training, administration, or self-administration of the authorized medication.

(c) Within 30 days of any changes in the student's health that affect the medication action plan, the responsible person shall revise the medication action plan and submit the amended plan to the school.

(d) The medication action plan shall be updated at least annually, in accordance with a schedule determined by the Mayor.

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(e) A school may deny a medication action plan, pursuant to terms established by the Mayor.

Sec. 5. Maintenance of records.

(a) A school shall keep the medication action plan in the school health suite, or other designated, easily accessible location.

(b) A school shall create and maintain a list of students with valid medication action plans, including the emergency contact information for each student. The principal of the school may distribute this list among appropriate school employees.

(c) Each school that has a student with a medication action plan for self-administration may schedule a meeting at the beginning of the school year with the school nurse, the principal, the student, the responsible person, and any other appropriate school staff to review the student's medication action plan. Authorization to possess and self-administer previously approved medication shall not be dependent on having had this meeting.

Sec. 6. Storage of medication.

(a) A school may receive additional medication from the responsible person for a student with a valid medication action plan; provided, that no school shall be required to store more than a 30-school-day supply of medication for any one student.

(b) Additional medication shall be:

(1) Properly stored at the school in a location to which the student has immediate access in case of an emergency; and

(2) Labeled with the name of the student and the name of the medication, including the dosage, the frequency of administration, and the duration of the medication.

Sec. 7. Misuse.

A student who self-administers medication while at school, at a school-sponsored activity, or while on school-sponsored transportation for a purpose other than his or her own authorized treatment may be subject to disciplinary action by the school; provided, that disciplinary action shall not limit or restrict the access of a student to his or her prescribed medication. The school shall promptly notify the responsible person of any disciplinary action imposed.

Sec. 8. Liability waiver.

(a) No school nor any employee or agent of a school shall be held liable for the good-faith performance of responsibilities under this act.

(b) Except as provided in subsection (a) of this section, nothing in this act shall be interpreted to create a cause of action or to increase or diminish the liability of any person.

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Sec. 9. Rules.

(a) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

(b) The Mayor may establish, by regulation, additional types of medication a student may self-administer and potentially life-threatening illnesses for which a student may self-administer medication other than those provided in this act.

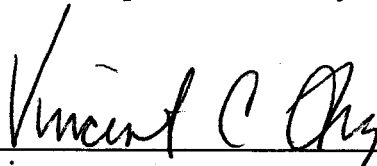
Sec. 10. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

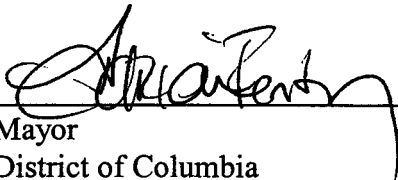
Sec. 11. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2007

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AN ACT

D.C. ACT 17-126

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2007

To dissolve, on a temporary basis, the boards of directors of the National Capital Revitalization Corporation and the Anacostia Waterfront Corporation, to clarify the powers, duties, and responsibilities that the Mayor and the District assume after the board of directors are dissolved, to create a nonlapsing special account fund and segregated capital accounts for the transfer of funds from the National Capital Revitalization Corporation and Anacostia Waterfront Corporation to the District, and to establish environmental and hiring standards within the Anacostia Waterfront Development Zone; and to repeal the National Capital Revitalization Corporation Act of 1998, the Anacostia Waterfront Corporation Act of 2004, and Subtitle P of Title II of the Fiscal Year 2008 Budget Support Act of 2007.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Temporary Act of 2007".

TITLE I. REORGANIZATION OF NCRC AND AWC.

Sec. 101. Dissolution of the boards of directors.

(a) The Board of Directors of the National Capital Revitalization Corporation ("NCRC") and the Board of Directors of the RLA Revitalization Corporation ("RLARC"), established by sections 4 and 30a, respectively, of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code §§ 2-1219.03 and 2-1219.31), are dissolved. The Mayor shall succeed to the powers, duties, and responsibilities of the boards of directors of the NCRC and the RLARC.

(b) The Board of Directors of the Anacostia Waterfront Corporation ("AWC"), established by section 105 of the Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.05), and the boards of directors of its subsidiaries (the Southwest Waterfront Development Corporation ("SWDC") and the Southwest Waterfront Holdings Corporation ("SWHC")) are dissolved. The Mayor shall

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succeed to the powers, duties, and responsibilities of the boards of directors of the AWC and its subsidiaries.

Sec. 102. Transition to District control.

(a)(1) The Mayor may transfer any contract of the AWC, NCRC, or any of the subsidiaries, which include the RLARC, the SWDC, the SWHC, and the Economic Development Finance Corporation ("EDFC"), to the District's contracting and procurement system. Any lawful contracts of the AWC and the NCRC not transferred by the Mayor under this subsection before October 1, 2007, shall be transferred to the District's contracting and procurement system on October 1, 2007, pursuant to sections 201 and 202.

(2) Notwithstanding paragraph (1) of this subsection, any rights and obligations existing under contracts to which either the AWC or the NCRC are parties shall not transfer to the District before October 1, 2007.

(b)(1) The Mayor may hire as an employee of the District government a person who was an employee of the AWC or the NCRC, or any of their subsidiaries, on the effective date of the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Emergency Act of 2007, effective July 20, 2007 (D.C. Act 17-71; 54 DCR 7390).

(2) Any employee of the NCRC or the AWC, or any of their subsidiaries, who is an employee on July 20, 2007, and who is not hired by the Mayor pursuant to paragraph (1) of this subsection, shall be entitled to 4 weeks severance pay, and one month's COBRA premium for continued health care under the Consolidated Omnibus Budget Reconciliation Act of 1985, approved April 7, 1986 (Pub. L. No. 99-272; 100 Stat. 82).

(c) Any leave that an employee who is hired pursuant to this section accrued during his or her tenure with the AWC, the NCRC, or any of their subsidiaries, shall be credited to the employee once the employee is hired by the District. The accrued leave of the employee shall be allocated between sick leave and annual leave in such proportions as the Mayor considers appropriate.

(d) Each employee's length of service at the AWC or the NCRC, or any of their subsidiaries, and the employee's service with the District government, if such service was immediately prior to the employee's service with the AWC or the NCRC, shall be counted as creditable District government service for vesting in the District's retirement program and for the rate at which the employee accrues annual leave.

(e) If an employee is hired by the District government under this section and was employed by the District government immediately prior to his or her employment with the AWC or the NCRC and funds were deposited into the employee's District of Columbia retirement account during the employee's term of employment with the District government and the deposited funds lapsed from the retirement account because of a break in employment with the District government caused by the employee's service with the AWC and the NCRC, the

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deposited funds that lapsed shall be restored to the employee's retirement account by the District.

(f)(1) The Mayor may increase the full-time equivalent authority of the executive branch by 40 to effectuate the objectives of this act.

(2) Subject to Council approval by act, the Mayor may increase the full-time equivalent authority provided by this subsection.

(g)(1) The Mayor may transfer any unexpended balances of appropriations, allocations, income, or other funds available, including the Fiscal Year 2007 budget authority of the AWC and the NCRC, from the accounts and systems of the AWC and the NCRC to the District.

(2) All unexpended balances of appropriations, allocations, income, and other funds available, and the Fiscal Year 2007 budget authority of the AWC and the NCRC shall transfer to the District on October 1, 2007.

(3) Operating funds transferred pursuant to this subsection shall be deposited into the Economic Development Special Account Fund established by section 301.

(4) Capital funds transferred pursuant to this subsection shall be deposited into the capital accounts established by section 302.

(h) The Mayor may transfer any property, records, rights, obligations, causes of action, legal or equitable title to any real property, or legal obligations of the NCRC and the AWC and any of their subsidiaries or predecessors in interest; provided, that all such property, records, rights, obligations, causes of action, legal and equitable title to any real property or legal obligations under this subsection shall be transferred to the District on October 1, 2007, pursuant to sections 201 and 202.

(i) The Mayor shall prepare and submit to the Council by July 12, 2007, a transition plan for the transfer of the functions, duties, powers, records, real and personal property, liabilities, and other rights, authorities, obligations, and assets from the NCRC and the AWC to the management and control of the Mayor.

Sec. 103. (a) The National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*), is repealed.

(b) This section shall apply as of October 1, 2007.

Sec. 104. (a) The Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.01 *et seq.*), is repealed.

(b) This section shall apply as of October 1, 2007.

TITLE II. TRANSFER OF ASSETS AND LIABILITIES.

Sec. 201. Transfer of NCRC assets and liabilities.

(a) On October 1, 2007:

(1) Legal and equitable title to all real property, personal property, capital and

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intangible assets of the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer, vest, and be titled, in the name of the District, and the Mayor may exercise any disposition authority related to such property that was previously approved by the Council.

(2) All property, records, and unexpended balances of appropriations, allocations, income and other funds available to the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer to the District.

(3) The unexpended balances of appropriations, allocations, income, and other funds available to the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer to the Economic Development Special Account Fund pursuant to section 301 or to the capital accounts pursuant to section 302.

(4) All lawful existing contractual rights and obligations, except employment contracts, of the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer to the District, which shall assume all rights, duties, liabilities, and obligations as a successor in interest.

(5) All other existing rights and obligations, including all lawful contractual rights and obligations, and all causes of actions of the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer to the District.

(b) Any existing contracts transferred to the District under this section or section 102(a) shall not be subject to the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*).

(c) All real property and other assets transferred pursuant to this section or section 102 that are subject to a Community Development Block Grant ("CDBG") subrecipient agreement with the Department of Housing and Community Development shall continue to be subject to the applicable subrecipient agreement and CDBG regulations.

(d) No existing lawful contract or other lawful legal obligation of the NCRC, the RLARC, the EDFC, and their subsidiaries transferred pursuant to subsection (a) of this section or pursuant to section 102 shall be abrogated or impaired by the repeal of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*).

(e) Nothing in this section or section 102 shall impair the obligations, commitments, pledges, covenants, or the security made or provided by the NCRC, the RLARC, the EDFC, or any or their subsidiaries, the Chief Financial Officer, or the Department of Housing and Community Development.

Sec. 202. Transfer of AWC assets and liabilities.

(a) On October 1, 2007:

(1) Legal and equitable title to all real property, personal property, capital and intangible assets of the AWC, the SWDC, the SWHC, and any of their subsidiaries, shall

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transfer, vest, and be titled in the name of the District and the Mayor may exercise any disposition authority related to such property that was previously approved by the Council.

(2) All property, records, and unexpended balances of appropriations, allocations, income, and other funds available to the AWC, the SWDC, the SWHC, and any of their subsidiaries shall transfer to the District.

(3) The unexpended balances of appropriations, allocations, income, and other funds available to the AWC, the SWDC, the SWHC, and any of their subsidiaries shall transfer to the Economic Development Special Account Fund pursuant to section 301 or to the capital accounts pursuant to section 302.

(4) All lawful existing contractual rights and obligations of the AWC, the SWDC, the SWHC, and any of their subsidiaries, except employment contracts, shall transfer to the District, which shall assume all rights, duties, liabilities, and obligations as a successor in interest.

(5) All other existing rights and obligations, including all lawful contractual rights and obligations, and all causes of actions of the AWC, the SWDC, and the SWHC, and any or their subsidiaries, shall transfer to the District.

(b) Existing contracts transferred to the District under this section or section 102(a) shall not be subject to the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*).

(c) All real property and other assets transferred pursuant to this section or section 102 that are subject to a CDBG subrecipient agreement with the Department of Housing and Community Development shall continue to be subject to the applicable subrecipient agreement and CDBG regulations.

(d) No existing lawful contract or other lawful legal obligation of the AWC, the SWDC, the SWHC, and any of their subsidiaries, transferred pursuant to subsection (a) of this section, shall be abrogated or impaired by the repeal of the Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.01 *et seq.*).

(e) Nothing in this section or section 102 shall impair the obligations, commitments, pledges, or covenants, or the security made or provided by the AWC, the SWDC, the SWHC, any of their subsidiaries, the Chief Financial Officer, or the Department of Housing and Community Development.

TITLE III. ECONOMIC DEVELOPMENT SPECIAL ACCOUNT FUND AND CAPITAL ACCOUNTS.

Sec. 301. Economic Development Special Account Fund.

(a) There is established as a nonlapsing fund within the General Fund of the District of Columbia the Economic Development Special Account Fund ("Fund"), which shall be used solely for the purposes set forth in this section.

(b)(1) Deposits into the Fund shall include:

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(A) All operating funds transferred from the Anacostia Waterfront Corporation Enterprise Fund, established by section 114 of the Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.14);

(B) All operating funds transferred from the National Capital Revitalization Corporation Enterprise Fund, established by section 9 of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.08);

(C) All fees, revenues, and other income from real property or other assets formerly under the authority of the NCRC or the AWC;

(D) Funds authorized by an act of Congress, reprogramming, or intra-District transfer to be deposited into the Fund;

(E) Any other monies designated by law or regulation to be deposited into the Fund; and

(F) Interest on money deposited in the Fund.

(2) All funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of any fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsections (c) and (d) of this section, subject to authorization of Congress.

(c) Monies credited to the Fund shall be allocated annually to the Office of the Deputy Mayor for Planning and Economic Development in an aggregate amount that is equal to the total deposits and earnings that are estimated to remain unspent in the Fund at the end of the preceding fiscal year plus all deposits and earnings that are estimated to be received during the fiscal year for which the allocation is made.

(d) Monies may be used to pay the costs of operating and administering properties and programs under the authority of the Deputy Mayor for Planning and Economic Development, including properties and programs formerly operated and administered by the NCRC and the AWC, to provide economic development assistance, including the provision of grants, loans, and credit support or enhancement, and to implement other programs, projects, and initiatives that are consistent with and in furtherance of the economic development goals or activities of the District.

(e)(1) Fees, revenue, and other income that otherwise would be deposited into the Fund under this section, but that are subject to Community Development Block Grant regulations and applicable subrecipient agreements with the Department of Housing and Community Development shall be deposited into a segregated account within the Community Development Block Grant account administered by the Department of Housing and Community Development and subject to reporting to the United States Department of Housing and Urban Development.

(2) The funds in the segregated account shall be included as a segregated line item in the budget of the Department of Housing and Community Development that the Mayor is required to submit to the Council pursuant to section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42), and shall be

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designated for the use of the Deputy Mayor for Planning and Economic Development consistent with the requirements of the Community Development Block Grant Program.

Sec. 302. Capital accounts.

(a) Any capital funds of the AWC and the NCRC transferred to the District government shall be transferred to segregated accounts in the General Capital Improvements Fund, which shall be designated specifically for capital projects of the former AWC and NCRC.

(b) The segregated accounts shall be under the expenditure authority of the Deputy Mayor for Planning and Economic Development.

PART IV. ANACOSTIA WATERFRONT INITIATIVE AND ENVIRONMENTAL STANDARDS.

Sec. 401. Anacostia Waterfront Initiative and Framework Plan.

(a) The Mayor shall be guided by the Anacostia Waterfront Initiative Framework Plan, dated November 2003, as amended or supplemented ("Framework Plan"), and any small area plan approved by the Council with respect to the projects carried out inside the Anacostia Waterfront Development Zone.

(b) The Mayor may amend or supplement the Framework Plan; provided, that the Mayor shall transmit to the Council for a 45-day period of review, excluding days of Council recess, a proposed resolution to approve any proposed amendment or supplement. If the Council does not approve or disapprove the proposed resolution within the 45-day period, the proposed resolution shall be deemed approved.

Sec. 402. Environmental standards.

The Mayor shall continue to maintain and apply the environmental standards adopted by the Anacostia Waterfront Corporation Board of Directors on June 1, 2007, to all of the properties, projects, initiatives, and developments within the Anacostia Waterfront Development Zone.

Sec. 403. Provisions applicable to development projects located within the Anacostia Waterfront Development Zone.

(a) In contracting with general contractors, developers, or construction managers on, and in providing assistance of over \$100,000 to, a development project located within the Anacostia Waterfront Development Zone, the Mayor shall require the general contractor, developer, and construction manager of the development project to engage in good faith efforts to:

(1) Procure and contract 35% of the dollar volume of its goods and services, including construction goods and services, with local, small, and disadvantaged business enterprises, with a preference for at least 10% of those enterprises located in Ward 8; and

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(2) Ensure that at least 51% of the new jobs created in connection with the project are filled by residents of the District, with a preference for at least 20% of those jobs designated for residents in Ward 8.

(b)(1) With respect to development projects on real property owned by the District within the Anacostia Waterfront Development Zone, no less than the following percentages of residential units shall be affordable at the following income levels:

(A) For ownership units, at least 15% of the units shall be affordable to moderate-income households and at least 15% of the units shall be affordable to low-income households.

(B) For rental units, at least 15% of the units shall be affordable to moderate-income households and at least 15% of the units shall be affordable to low-income households.

(2) For the purposes of this subsection, the term:

(A) "Affordable" means housing for which a household at the required affordability level will pay no more than 30% of its income toward gross housing costs for 50 years in the case of rental units, and 20 years for homeownership units.

(B) "Area median income" means:

(i) For a household of 4 persons, the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development;

(ii) For a household of 3 persons, 90% of the area median income for a household of 4 persons;

(iii) For a household of 2 persons, 80% of the area median income for a household of 4 persons;

(iv) For a household of one person, 70% of the area median income for a household of 4 persons; and

(v) For a household of more than 4 persons, the area median income for a household of 4 persons, increased by 10% of the area median income for a family of 4 persons for each household member exceeding 4 persons.

(C) "Low-income household" means a household consisting of one or more persons with income equal to or less than 30% of the area median income.

(D) "Moderate-income household" means a household consisting of one or more persons with income equal to or less than 60% of the area median income and greater than 30% of the area median income.

(3) Any percentage of household income referenced in this subsection shall be determined through a direct mathematical calculation and shall not take into account any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers.

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Sec. 404. Workforce intermediary.

(a) The Mayor shall use the workforce intermediary as the primary means of meeting the hiring requirements of section 403(a)(2).

(b)(1) If prior to July 20, 2007, the former AWC has selected an organization or organizations to serve as a workforce intermediary, the Mayor shall continue to use the organization or organizations as a workforce intermediary; provided, that the Mayor may select additional organizations and may terminate the use of the organization or organizations selected by the former AWC.

(2) If prior to July 20, 2007, the former AWC has not selected an organization or organizations to serve as a workforce intermediary, then within 30 days after July 20, 2007, the Mayor shall issue a request for proposals designed to select an organization or organizations to serve as a workforce intermediary. Within 120 days after issuing the request for proposals, the Mayor shall select an organization or organizations to serve as a workforce intermediary.

(c) For the purposes of this section, the term "workforce intermediary" means an entity established by the Mayor or the former AWC and modeled on similar, successful entities in other cities, to meet the hiring goals of section 403(a)(2) by coordinating the needs and capacities of businesses that are creating new jobs in the Anacostia Waterfront Development Zone, workforce development organizations that serve residents of the District, and residents of the District who are seeking jobs in the Anacostia Waterfront Development Zone.

Sec. 405. Definition of Anacostia Waterfront Development Zone.

For the purposes of this title, the term "Anacostia Waterfront Development Zone" shall consist of the following:

(1) Interstate 395 and all rights-of-way of Interstate 395, except for the portion of Interstate 95 that is north of D Street, N.W., and N.E.;

(2) All land between that portion of Interstate 395 that is south of D Street, N.W., and N.E., and the Washington Channel;

(3) All land between that portion of Interstate 395 that is south of D Street, N.W., and N.E., and the Anacostia River;

(4) The portion of Interstate 295 that is north of the Anacostia River and all rights-of-way of that portion of Interstate 295;

(5) All land between that portion of Interstate 295 that is north of the Anacostia River and the Anacostia River;

(6) The portion of the Anacostia Freeway that is north or east of the intersection of the Anacostia Freeway and Defense Boulevard and all rights-of-way of that portion of the Anacostia Freeway;

(7) All land between that portion of the Anacostia Freeway described in paragraph (6) of this subsection and the Anacostia River;

(8) All land that is adjacent to the Anacostia River and designated as parks,

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recreation, and open space on the District of Columbia Generalized Land Use Map dated January 2002, except for the land that is:

- (A) North of New York Avenue, N.E.;
- (B) East of the Anacostia Freeway;
- (C) Contiguous to that portion of the Suitland Parkway that is south of Martin Luther King Jr. Avenue;
- (D) South of a line drawn along, and as a continuation both east and west of, the center line of the portion of Defense Boulevard between Brookley Avenue, S.W., and Mitscher Road, S.W.;
- (9) All land, excluding Eastern High School, that is:
 - (A) Adjacent to the land described in paragraph (7) of this subsection;
 - (B) West of the Anacostia River; or
 - (C) Designated as a local public facility on the District of Columbia Generalized Land Use Map;
- (10) All land that is:
 - (A) South or east of that portion of Potomac Avenue, S.E., between Interstate 295 and 19th Street, S.E.; and
 - (B) West or north of the Anacostia River;
- (11) The portion of the Anacostia River within the District; and
- (12) The Washington Channel.

TITLE V. EMINENT DOMAIN.

Sec. 501. Eminent domain.

(a) The repeal of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*) ("NCRC Act"), under section 103(a) shall not impair or affect the validity of the acquisition by the NCRC or the RLARC of any properties nor shall the repeal affect the authority under which properties were previously taken, or for which condemnation proceedings were initiated, under section 20 of the NCRC Act (D.C. Official Code § 2-1219.19).

(b) Condemnation proceedings initiated by the NCRC or the RLARC under section 20 of the NCRC Act may be continued or reinstituted by the Mayor in the name of the District and the Mayor may rely upon the authority pursuant to which the NCRC or the RLARC acted as well as the findings previously made by the Council and by the NCRC or the RLARC in connection with the condemnation proceedings or the authority granted to the Mayor pursuant to D.C. Official Code § 16-1311.

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TITLE VI. CONFORMING AMENDMENTS.

Sec. 601. Subtitle P of Title II of the Fiscal Year 2008 Budget Support Act of 2007, signed by the Mayor on June 28, 2007 (D.C. Act 17-63), is repealed.

TITLE VII. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

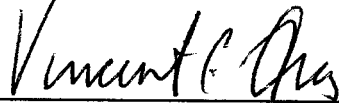
Sec. 701. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

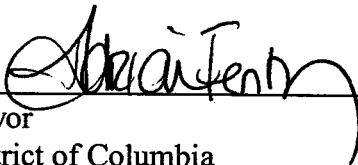
Sec. 702. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-127

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.West Group
Publisher

To amend, on a temporary basis, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property in lots 842 and 843, square 2084, to be acquired and owned by Tregaron Conservancy; and to exempt the transfer and recordation tax for the conveyance to the Tregaron Conservancy and Washington International School.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tregaron Conservancy Tax Exemption and Relief Temporary Act of 2007".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Code is amended as follows:

(a) The table of contents is amended by adding a new section designation "§ 47-1076. Tregaron Conservancy, lots 842 and 843 in square 2084."

(b) A new section 47-1076 is added to read as follows:

"§ 47-1076. Tregaron Conservancy, lots 842 and 843 in square 2084.

"The portion of real property described as lots 842 and 843 (formerly lot 839) in square 2084, which will be transferred from Tregaron Limited Partnership to Tregaron Conservancy, shall be exempt from real property taxation so long as the real property:

"(1) Is owned by the Tregaron Conservancy, a District corporation which is exempt from federal taxes and is used solely to further its tax-exempt purposes; and

"(2) Remains unimproved (except as necessary for maintenance), is maintained as open space and parkland in a manner consistent with the real property's historical significance, and is reasonably accessible to the general public without charge or payment of a fee of any kind."

Note,
§ 47-1076

Sec. 3. Transfer exempt from transfer and recordation.

The conveyance of the real property in lots 842 and 843 (formerly lot 839) in square 2084 from Tregaron Limited Partnership to Tregaron Conservancy and the Washington International School shall be exempt from the tax imposed by section 303 of the District of

ENROLLED ORIGINAL

Columbia Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1103), and D.C. Official Code § 47-903.

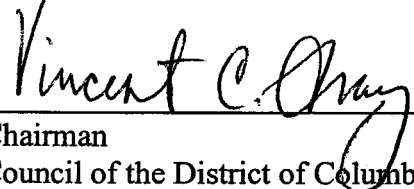
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

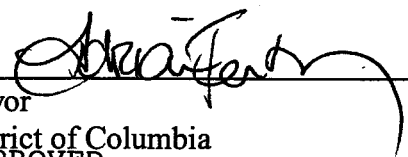
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-128

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 5, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
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Publisher

To amend, on a temporary basis, subsection 1158.5 of Title 21 of the District of Columbia Municipal Regulations to authorize a swimming event in the Potomac River as part of the 1st sanctioned triathlon in the District of Columbia, to be held on September 29, 2007.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inaugural D.C. Triathlon Temporary Amendment Act of 2007".

Sec. 2. Subsection 1158.5 of Title 21 of the District of Columbia Municipal Regulations (21 DCMR § 1158.5), is amended to read as follows: DCMR

"1158.5 Primary contact recreation shall be prohibited in the Potomac and Anacostia Rivers and Rock Creek until such time as the standards in subsection 1104.8 for Class A beneficial use are consistently maintained; provided, that:

"(a) Swimming shall be allowed on September 29, 2007, by those persons who are registered participants in the triathlon organized and hosted by The Nation's Triathlon, LLC, in those areas of the Potomac River designated for the swimming portion of the triathlon and in no other areas;

"(b) If the laboratory examinations of samples collected prior to the date of the triathlon suggest to the Director that swimming in the Potomac River should be prohibited on September 29, 2007, upon notice by the Director to The Nation's Triathlon, LLC, the exception in paragraph (a) of this subsection shall not apply;

"(c) The District of Columbia, including, but not limited to, its employees and agents, shall not have any liability whatsoever to any person, including, but not limited to, The Nation's Triathlon, LLC, and any participant in the triathlon, as a consequence of the activities conducted, or the participation in activities conducted, pursuant to the exception in paragraph (a) of this subsection; and

"(d) The Nation's Triathlon, LLC, any participant in the triathlon, and their heirs, successors, and assigns, shall be deemed to have waived liability to the District of Columbia, including, but not limited to, its employees and agents, as a consequence of the conduct of, or participation in, activities pursuant to the exception in paragraph (a) of this subsection."

Sec. 3. Fiscal impact statement.

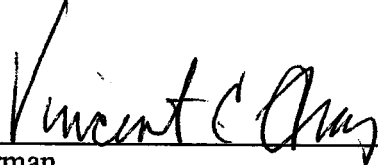
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

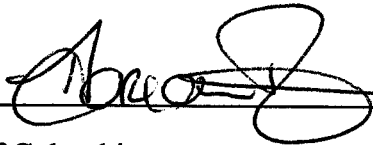
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 5, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-129

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 5, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
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Publisher

To amend, on an emergency basis, the School Modernization Financing Act of 2006 to provide that the Facilities Master Plan shall be submitted by May 31, 2008, to require that a work program of 2008 activities and capital projects to be undertaken by the Office of Public Education Facilities Modernization and a proposed organizational structure be submitted to the Council within 60 days of the effective date of this act, and to provide that no further funds shall be transferred to the Office of Public Education Facilities Modernization if the submissions are not submitted as required; to amend the Schools Modernization Amendment Act of 2005 to strike obsolete references and insert current references; and to amend the Public Education Reform Amendment Act of 2007 to provide that the Director of the Office of Public Education Facilities Modernization shall have maintenance authority at District of Columbia Public Schools facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "School Modernization Use of Funds Requirements Emergency Amendment Act of 2007".

Sec. 2. Section 103(b), (c), and (d) of the School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2971.03(b), (c), and (d)), is amended to read as follows:

*Note,
§ 38-2971.03*

"(b) Funding authority provided to the Office of Public Education Facilities Modernization ("OFM") pursuant to this title shall be spent to fund the OFM and to modernize District of Columbia Public Schools in accordance with the Capital Improvement Plan and Budget and the Facilities Master Plan. The Facilities Master Plan shall be submitted to the Council for its approval no later than May 31, 2008.

"(c) Notwithstanding any other law, a work program detailing the activities and capital projects to be undertaken by OFM for fiscal year 2008 and a proposed organizational structure for OFM, which includes the information listed in section 104(a)(1) through (7), shall be submitted within 60 days of the effective date of the School Modernization Use of Funds Requirements Emergency Amendment Act of 2007, passed on emergency basis on October 2, 2007 (Enrolled version of Bill 17-414), and approved by the Council.

ENROLLED ORIGINAL

“(d)(1) The Chief Financial Officer shall not continue to provide authority to obligate funds to the OFM to modernize District of Columbia Public Schools under this title if either of the following submission deadlines is missed:

“(A) The Facilities Master Plan is not submitted as required by subsection (b) of this section and certified as required by paragraph (2) of this subsection; or

“(B) The work program and proposed organizational structure are not submitted as required by subsection (c) of this section and certified as required by paragraph (2) of this subsection.

“(2) The Chief Financial Officer shall continue to provide authority to obligate funds only upon receipt of written certification from the Secretary to the Council of the District of Columbia that the submission requirements of subsection (b) or (c) of this section, whichever is applicable, have been met.”.

Sec. 3. Section 4045(a) of the Schools Modernization Amendment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D. C. Official Code § 1-325.44(a)), is amended as follows:

Note,
§ 1-325.44

(a) The heading is amended by striking the phrase “District of Columbia Public Schools” and inserting the phrase “Office of Public Education Facilities Modernization” in its place.

(b) Subsection (a) is amended as follows:

(1) Paragraph (1) is amended as follows:

(A) Strike the phrase “Master Facilities Plan” and insert the phrase “Facilities Master Plan” in its place.

(B) Strike the word “Superintendent” and insert the word “Chancellor” in its place.

(2) Paragraph (2) is amended by striking the phrase “Master Facilities Plan” and inserting the phrase “Facilities Master Plan” in its place.

(3) Paragraph (3) is amended as follows:

(A) The lead-in language is amended by striking the phrase “and approved by the Board of Education which shall include” and inserting the phrase “,which shall include” in its place.

(B) Subparagraph (C) is amended by striking the phrase “Master Facilities Plan” and inserting the phrase “Facilities Master Plan” in its place.

(B) Subparagraph (D) is amended by striking the phrase “developed by the Superintendent,”.

Sec. 4. Section 704(6) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453(6)), is amended as follows:

Note,
§ 38-453

ENROLLED ORIGINAL

(a) Strike the phrase "including planning, design," and insert the phrase "including planning, design, maintenance," in its place.

(b) Strike the phrase "provided, that it shall not manage routine maintenance at DCPS facilities." and insert the phrase "provided, that it shall not manage cleaning and janitorial services at DCPS facilities." in its place.

Sec. 5. Applicability.

(a) Sections 2 and 3 of this act shall apply as of October 1, 2007.

(b) Section 4 shall apply upon:

(1) Reprogrammings being approved by the Council that transfer to the Office of Public Education Facilities Modernization:

(A) All assets, personnel, and funding authority for maintenance conducted by the District of Columbia Public Schools' Office of Facilities Management; and

(B) All assets, personnel, and funding authority for capital projects from the District of Columbia Public Schools; and

(2) Submission to the Council of a transition plan detailing the incorporation of the Office of Facilities Management into the Office of Public Education Facilities Modernization.

Sec. 6. Fiscal impact statement.

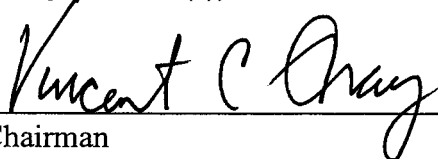
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813; D.C. Official Code § 1-206.02(c)(3)).


Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 5, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-130IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 9, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
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Publisher

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the pay levels for the Executive Schedule for subordinate agency head positions from 5 to 7; and to approve the proposed compensation system changes submitted by the Mayor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Executive Service Compensation System Change and Pay Schedule Temporary Amendment Act of 2007".

Sec. 2. Section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52), is amended as follows:

Note,
§ 1-610.52

(1) Subsection (a) is amended by striking the number "5" and inserting the number "7" in its place.

(2) Subsection (b) is amended to read as follows:

"(b)(1) The Mayor shall designate the appropriate pay level for each subordinate agency head position based on market analyses and other relevant criteria; provided, that any salary on the E6 or E7 pay grade shall be submitted to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed salary within the 45-day period, the proposed salary shall be deemed disapproved.

"(2) Notwithstanding paragraph (1) of this subsection, the requirement of Council approval of salaries shall not apply to:

"(A) The incumbents in the following offices as of July 25, 2007:

"(i) Chief Financial Officer;

"(ii) Chief of the Metropolitan Police Department;

"(iii) Chief of the Fire and Emergency Medical Services

Department;

"(iv) Chancellor of the District of Columbia Public Schools; and

"(v) Director of the Office of Public Education Facilities

Modernization; or

"(B) The first Chief Medical Examiner appointed by the Mayor and approved by the Council after July 25, 2007."

ENROLLED ORIGINAL

Sec. 3. Pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52), the Council approves the proposed compensation system changes recommended by the Mayor to the Executive Schedule for subordinate agency head positions to add the rates of pay for newly established pay grades E6 and E7, which were transmitted to the Council by the Mayor on July 6, 2007, and which provide as follows:

DISTRICT OF COLUMBIA SALARY SCHEDULE: EXECUTIVE SERVICE

Fiscal Year: 2007/2008

Service Code Definition: Executive Service

Effective Date:

Affected CBU/Service Code(s): XXX A87

Percentage Increase: 0%

Union/Non-union: Non-union

Pay Plan Schedule: DX

PeopleSoft Plan: DX0000

Resolution Number:

Date of Resolution:

Grade	Min	Mid	Max
E1	\$85,284	\$106,605	\$127,926
E2	\$92,746	\$115,901	\$139,056
E3	\$100,848	\$125,964	\$151,081
E4	\$109,590	\$136,859	\$164,129
E5	\$118,651	\$148,874	\$179,096
E6	\$148,000	\$186,500	\$225,000
E7	\$185,000	\$232,450	\$279,900

ENROLLED ORIGINAL

Sec. 4. The compensation system changes approved in section 3 shall become effective immediately.

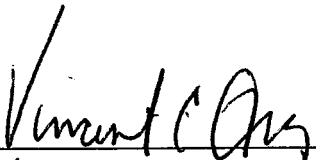
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

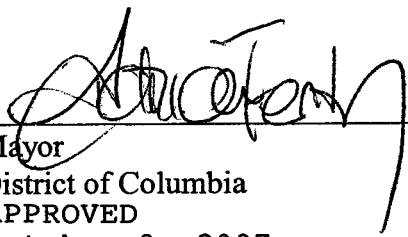
Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 9, 2007